

ENTERED

December 30, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TERRY LOERCH, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

EXCENTUS CORPORATION D/B/A
FUEL REWARDS,

Defendant.

Case No. 4:24-CV-04588

JURY TRIAL DEMANDED

**JOINT STIPULATION TO SET DEADLINE
TO RESPOND TO PLAINTIFF'S COMPLAINT**

Under Rule 6(b) of the Federal Rules of Civil Procedure, Plaintiff Terry Loerch and Defendant Excentus Corporation jointly stipulate, subject to the Court's approval, that the deadline for Excentus to respond to Plaintiff's Class Action Complaint shall be February 7, 2025. In support of their stipulation, the Parties state:

1. Plaintiff filed the Complaint on November 21, 2024. *See* ECF No. 1.
2. On December 10, 2024, Plaintiff purported to serve Excentus with summons and the Complaint. If service were effective on that date, the deadline to respond to the Complaint would be December 31, 2024.
3. However, Excentus disputes the validity of service. Thus, Excentus's position is that the deadline to respond to the Complaint has not yet been triggered.

4. To avoid unnecessary motion practice over the propriety of service, Excentus has agreed to accept service of the Complaint by email. As part of that agreement, the Parties have also stipulated to a date certain—February 7, 2025—as Excentus’s deadline to respond to the Complaint.

7. A proposed order entering the Parties’ stipulation is attached hereto as Exhibit A and will be submitted to the Court.

WHEREFORE, the Parties stipulate, subject to the Court’s approval, that the deadline for Excentus to respond to the Complaint shall be February 7, 2025.

Dated: December 20, 2024

Respectfully submitted,

By: /s/ Brett Johnson

Brett Johnson

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

Under the Federal Rules of Civil Procedure and Local Rule 5.3, I certify that a true and correct copy of the foregoing document was served on counsel of record via the Court's CM/ECF system on December 20, 2024.

By: /s/ Brett Johnson
Brett Johnson

EXHIBIT A

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Defendant.

Case No. 4:24-CV-04588

**ORDER GRANTING JOINT STIPULATION TO SET DEADLINE TO
RESPOND TO PLAINTIFF'S COMPLAINT**

The Joint Stipulation to Set Deadline to Respond to Plaintiff's Complaint is granted. Excentus will respond to plaintiff's complaint on or before February 7, 2025.

Signed on December 30, 2024, at Houston, Texas.

LEE H. ROSENTHAL
UNITED STATES DISTRICT JUDGE